

previous demand of rent and re-entry, and substitutes service of a copy of declaration in ejectment, in all cases where landlord has right by law to re-enter. *Campbell v. Shipley*, 41 Md. 93 (see also dissenting opinion, page 101).

To make a judgment by default a bar to a lease under the statute of 4 George II, ch. 28 (of which this section is a substantial re-enactment), record must disclose such facts and circumstances as show that court designed to exercise the authority conferred by statute. Proceedings having no connection with statute. When the required affidavit should be filed. *Walter v. Alexander*, 2 Gill, 204.

The practice under sec. 76, differentiated from that under this section. *MacKenzie v. Renshaw*, 55 Md. 296.

The act of 1872, ch. 346, referred to in deciding that where a lease provided that if rent were more than ninety days in arrear landlord should be entitled to immediate possession, ejectment might be brought without a previous demand. *Shanfelter v. Horner*, 81 Md. 628.

As to the effect of ejectment proceedings by the landlord upon the rights of a mortgagee of the leasehold interest, see *Abrahams v. Tappe*, 60 Md. 317.

See notes to sec. 76.

An. Code, sec. 74. 1904, sec. 74. 1888, sec. 71. 1872, ch. 346.

**79.** When the lands sued for lie contiguous to each other and in adjoining counties, suit may be brought for the whole in any of said counties in which any of the defendants reside; and if none of the defendants reside in any of said counties, then the suit may be brought in the county where the largest part of the land lies, and the sheriff and surveyor of the county in which the suit is brought shall have power to execute and return the warrant of resurvey of all the lands so sued for, and said sheriff shall also have power to execute a writ of *habere facias possessionem* for all of said lands.

The jurisdiction conferred by this section is general extending to all the common law courts, its object being prevention of multiplicity of suits. The objection that *narr.* does not show that greater part of land was located in county or city where suit was brought cannot be made after verdict. *Northern Central Ry. Co. v. Canton Co.*, 24 Md. 499.

Except in cases provided for by this section, ejectment must be brought in court having jurisdiction where property is located. *Baltimore v. Meredith's Ford Turnpike Co.*, 104 Md. 359.

See notes to sec. 76.

An. Code, sec. 75. 1904, sec. 75. 1888, sec. 72. 1829, ch. 186, sec. 1. 1882, ch. 372.

**80.** In any action of ejectment against two or more defendants they may sever their defense; but if plats be necessary, there shall be but three sets returned, which shall show the claims and pretensions of all the parties.

See notes to sec. 76.

An. Code, sec. 76. 1904, sec. 76. 1888, sec. 73. 1829, ch. 186, sec. 3.

**81.** Where defendants in ejectment sever in their defense, the court shall apportion the costs in such manner as may seem reasonable and just.

See notes to sec. 76.

An. Code, sec. 77. 1904, sec. 77. 1888, sec. 74. 1833, ch. 276, sec. 2.

**82.** In all cases of a joint holding by two or more persons, they may declare jointly whether they hold as joint tenants, tenants in common or in any other manner.

See notes to secs. 76 and 83.